IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2150 OF 2005

Sushmita Deb Barman ..Petitioner.
V/s
Foreign Regional Registration Officer, (FERRO) & Others ..Respondents.

Mr. Mihir Desai for the petitioner.
Mrs. P.H. Kantharia A.P.P. for State.
Mr. J.C. Satpute, P.P. for Union of India.

CORAM : SMT. RANJANA P. DESAI & ANOOP V.MOHTA JJ.

DATE : 28TH OCTOBER, 2005.

P.C.

. The petitioner is an advocate, practicing in Mumbai. He has filed this petition on behalf of Mr. Mahmod Noroozi an Iranian National, who is currently detained by the Foregin Regional Registration Officer, (FERRO) at the Mumbai Airport awaiting his deportation to Iran. In this petition, it is prayed that the respondents be restrained from deporting the detainee Mr. Mahmod Noroozi to Iran till the United High Commissioner of Refugee (UNHCR) is able to determine, whether he is entitled to refugee status or not. We have heard the learned Counsel for the petitioner. He contended that said Mahamod Noroozi be allowed to

represent his case before UNCHR because ultimately it is the UNCHR which will decide whether he should be granted refugee status or not. He submitted that till such time as UNCHR takes a decision the respondents may be directed not to deport said Mahmod Noroozi.

2. We have heard the learned A.P.P. Mrs. Kantharia and we have perused the affidavit of Shri R.A. Barkade, Inspector of Police, Airport, Branch, SB-II, CID, CSI, Airport, Sahar Mumbai. It appears from the affidavit that the detainee is an Iranian National. He entered India via Attari Check post on 20/7/2005 on Belgium Passport issued by Islamabad on 11/7/2005 valid till 10/8/2005 with single entry having special endorsement of 20 days stay i.e. official stay valid till 9/8/2005. He reported to FERRO office as he had stayed beyond official period and was granted exit permit on 21/8/2005. He departed by flight NO. EK. Mumbai - Dubai- Birmingham on 21/8/2005, however, he was intercepted at Dubai Airport, as it was detected by Dubai immigration authorities that he was holding a forged Belgium Passport. Therefore, he was deported back to Mumbai on 24/8/2005 with deportee note stating "Refused on account of counterfeit Belgium passport".

Then he was kept in the deportee cell at CSI Airport Mumbai and a letter was sent to Consulate General of the Islamic Republic of Iran, Mumbai, on 25/8/2005 for issuing him a temporary travel document. The Iran consulate is making inquiries in Iran and is in the process of issuing him with a temporary travel document. During the inquiry it was revealed that the detainee was in Pakistan for 9 years after seeking asylum. He procured forged Belgium passport with Pakistan Visa and admission stamp of Pakistan immigration dated 10th May, 2005, through Pakistan based Afghan national agent Mr. Kabir. It is stated in the affidavit that since the detainee hs stayed in Pakistan for past 9 years, his presence in India could be a grave security threat and also there are chances that he may indulge in anti-national activities and other activities prejudicial to the safety and security of the country.

3. Having perused this affidavit, we are not inclined to grant any relief to the petitioner. Petition is rejected.

(SMT. RANJANA P.DESAI, J)

[4]

[ANOOP V. MOHTA, J.]